

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**DANIEL E. OWENS** *individually and on  
behalf of all others similarly situated et al.,*

**Plaintiff,**

**vs.**

**APPLE, INC.,**

**Defendant.**

**Case No. 09-cv-479-MJR-DGW**

**NOTICE TO COUNSEL**

Pursuant to SDIL-LR 16.2(a) and Federal Rule of Civil Procedure 26(f), an initial pretrial scheduling and discovery conference is hereby **SET** before the Honorable Donald G. Wilkerson **via telephone** conference call to be held on: **March 5, 2010 at 2:00 p.m.** Counsel for the Plaintiff shall be responsible for placing the conference call to opposing counsel before calling the Court's conference line at (618) 482-9004.

The parties **SHALL** submit a Joint Report and Proposed Scheduling and Discovery Order using the form provided in the Local Rules, **at least Seven (7) days** before the conference, which is available in downloadable WordPerfect format on the Court's website at: <http://www.ilsd.uscourts.gov/Judges/wilkersonpretrial.html>. **In addition**, the Joint Report of Parties and Proposed Scheduling and Discovery Order must adhere to the following:

- It must be e-mailed to [dgwpd@ilsd.uscourts.gov](mailto:dgwpd@ilsd.uscourts.gov) in **Word or WordPerfect format**.
- **Third-Party dates must be included** even if no third-party actions are anticipated.
- The parties must **use the current track setting** to calculate discovery and dispositive motions deadlines, even if a motion to extend the trial date is pending. In calculating these dates, the parties may use the first day of the presumptive trial month **or** the actual trial date.

- If the calculated cutoff date falls on a weekend or holiday, the next business day preceding that date must be used. <http://timeanddate.com/date/dateadd.html> is a free online date calculator that may be used to calculate dates.
- The proposed order must be **dated** before the signature blocks.
- The party drafting the document must affix their **digital signature**, e.g., s/John Doe. The other non-drafting parties must have their digital signatures affixed followed by a designation indicating it was signed with consent, e.g., s/John Smith (w/consent). Only one attorney's signatures need be affixed per party.

The Joint Report of Parties and Proposed Scheduling and Discovery Order, consented to and signed by each party or by an attorney of record, may, at the Judge's discretion, be deemed to satisfy the requirements of SDIL-LR 16.2(a). However, the conference call is mandatory in all **Track D** proposed class action cases. See SDIL-LR23.1. In **pro se cases**, the Court usually holds these conference even if the parties have submitted appropriate dates. In all other cases, the conference may be cancelled at the discretion of Judge Wilkerson if the parties submit a timely Joint Report and Proposed Scheduling and Discovery Order.

Dated: December 30, 2009

NANCY J. ROSENSTENGEL  
CLERK OF COURT

By: s/ Jackie Payton  
Deputy Clerk

**Forms referenced in this document are available, free of charge, downloadable from the district court web site at [www.ilsd.uscourts.gov](http://www.ilsd.uscourts.gov) or from the Clerk's Office for a fee. Copies of the new forms are included as attachments in the July 2003 revision of the Local Rules.**